



SBAITI & COMPANY

A TEXAS PROFESSIONAL LIMITED LIABILITY COMPANY

March 8, 2022

Via E-File

Honorable Gregory H. Woods
U.S. District Judge
Southern District of New York
500 Pearl Street, Room 2260
New York, NY 10007

Re: *Nexpoint Strategic Opportunities Fund v. Acis Capital Management, L.P., et al*, Cause No. 1:21-cv-04384-GHW (S.D.N.Y.).

Dear Judge Woods:

We write to give notice of an error and to correct it. On February 24, 2022, we filed the response to Defendant Brigade Capital Management, LP's motion to dismiss (the "Response"). See Dkt. No. 93. In the second paragraph of page eleven of the Brigade Response, we cited the following cases: *Brooks v. Key Tr. Co. Nat'l Ass'n*, 809 N.Y.S.2d 270 (N.Y. App. Div. 2006); *Rasmussen v. A.C.T. Env't'l Servs.*, 739 N.Y.S.2d 220 (N.Y. App. Div. 2002); *Scalp & Blade, Inc. v. Advent, Inc.*, 722 N.Y.S.2d 639 (N.Y. App. Div. 2001); *United States v. Skelly*, 442 F.3d 94 (2d Cir. 2006); *Fraternity Fund Ltd. v. Beacon Hill Asset Mgmt. LLC*, 376 F. Supp. 2d 385 (S.D.N.Y. 2005).

However, while we stand by the major theses of the Response, we write to inform the Court that upon recent review we discovered that the above-named cases were cited in error and were intended to be deleted from the final filing. In short, we are not relying on them for the purpose of our Response.

Yours very truly,

/s/ Mazin A. Sbaiti
Mazin A. Sbaiti

*Counsel for NexPoint Strategic
Opportunities Fund*

cc: All Counsel